IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 16799 of 2004

Between:

M/s. Nagulamma Dwacra Sangam, (Registered No. 5096/2707-2001),Suryapet, Rep by its President, B.Yellamma, W/o. Ramudu, Indian, aged 45 years, Occ : President (Dwacra Sangam) R/o. Suryapet, Nalgonda District.

..... PETITIONER

AND

The Agricultural Market Committee, Suryapet, Rep by its Peron-in-charge, Suryapet, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus to declare the impugned notice No.AGRI/S/Yard/2004-2005/572, dated 04-09-2004 issued by the respondent as illegal, arbitrary and consequently set aside the same and direct the respondent to allow the petitioner execute the work for the contract period of 2004-2005 and to pass

Counsel for the Petitioner: MR.KANAKAMEDALA RAVINDRA KUMAR

Counsel for the Respondent: Smt. Nanda R.Rao, Standing Counsel for the Market Committee

The Court made the following :

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ORDER:

Petitioner claims to be successful bidder in respect of the contract of cleaning and lifting of garbage from the market yard, Suryapet, Nalgonda District for the year 2004-2005. Pursuant thereof, a contract was awarded by the respondent in favour of the petitioner vide proceedings dated 31-03-2004 and subsequently an agreement was entered between the parties on 31-03-2004. Now the grievance of the petitioner is that under the impugned notice, dated 04-09-2004 the contract in favour of the petitioner has been cancelled and the petitioner has been directed not to undertake any cleaning and sanitation works in the market yard from
04-09-2004 on wards. Challenging the same, this writ petition is filed.

Heard the learned counsel for the petitioner and learned Standing Counsel appearing for the Market Committee and perused the material on record.

The contention of the learned counsel for the petitioner is that though the petitioner filed an explanation to the allegations made, respondent has passed the impugned order without considering the same and since there was absolutely no valid reason for terminating the contract, the action of the respondent is illegal, arbitrary and mala fide.

On the basis of material available on record, it is clear that the issue raised for adjudication in this writ petition is essentially based on a dispute between the parties pursuant to a contract entered in

between them. Such a dispute, which involves enforcement of contractual obligation, is not amenable to writ jurisdiction. Hence, this writ petition is not maintainable.

In the circumstances, without expressing any opinion on merits of the case, the writ petition is disposed of granting leave and liberty to the petitioner to work out appropriate remedy as available under law.

Writ petition is accordingly disposed of. No costs.

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20-09-2004

klp

To

The Peron-in-charge, Agricultural Market Committee, Suryapet, Nalgonda District.

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